

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The Office Action dated February 7, 2003, indicated that claims 1, 2, 5-9 and 12-16 stand rejected under §103(a) as being anticipated by *Kagami et al.* (U.S. Pat. No. 5,974,400) and further in view of *Graf et al.* (U.S. Pat. No. 6,349,300); and claims 3, 4, 10 and 11 stand rejected under §103(a) as being unpatentable over *Graf et al.* in view of *Kagami et al.*

New claims 17-22 further clarify Applicant's invention and are directed to the on-line comparison of multiple apparel items to determine whether the colors of any of the items match. As discussed at page 6 of the Office Action Response filed on April 29, 2003, "[T]he Office Action acknowledges at page 3 that the '400 reference fails to teach comparison of color codes identifying respective colors of such related objects. The Office Action then attempts to overcome this deficiency by alleging that the '300 reference teaches the comparison of color codes. But neither reference, alone or in combination with the other, teaches the comparison of color codes for two similarly colored products or, of even comparing two colored products. Rather, the proposed combination merely teaches matching one colored product to a standard color code." Therefore, the new claims are patentable over the cited art for the reasons quoted above; the cited art fails to teach the invention as claimed including comparison of two colored items.

Applicant also stated in the April Office Action Response that, "New claims 17-22 merely manifest Applicant's "long-accepted right to press alternative claims covering different aspects of ... [Applicant's disclosed] invention." *Amgen, Inc. v. Hoechst Marion Roussel*, 126 F. Supp.2d 69 (D. Mass. 2001). Support for these new claims may be found at page 5, lines 17-25 and in Figure 1, the sellers 114. No new matter is introduced in these new claims. Applicant respectfully submits that, by way of this Office Action Response, there is no intention to narrow, nor has the Applicant narrowed, the breadth of the claims as originally filed through the explanatory comments provided herein."

Applicant submits that new claims 17-22 are patentable over the cited prior for the reasons above and as presented in the Office Action Response filed on April 29, 2003.

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In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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